



FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA

*A Historical Summary of the rights of the
Quatsino First Nation*



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**MINISTRY OF ENVIRONMENT, LANDS and PARKS
WATER MANAGEMENT BRANCH**

***FIRST NATIONS WATER RIGHTS IN
BRITISH COLUMBIA:***

***A Historical Summary of the rights of the
Quatsino First Nation***

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Miranda Griffith

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Sara Cheevers

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The sheer numbers of First Nations groups' with histories of water rights made the completion of the Report Series seem, at times, prolonged. The determination, patience and vision of the partners was essential in the completion of the Series and is gratefully acknowledged.

Gary Robinson
Project Manager
Water Management Branch

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1. TABLE: Summary of Water Records for the Quatsino Band.
2. LICENCES AND PLATS
Conditional Water Licences 41349 and 41350.
3. PERMIT OVER CROWN LANDS
P.C.L. No.'s 9189 and 9190.
4. STREAM REGISTER REPORTS
Calbick Creek
5. MAP: Quatsino Band
 - one 1:50,000 map showing Quatsino Reserve No. 18
 - one 1:250,000 map showing all the reserves of the Quatsino Band.

FIRST NATIONS WATER RIGHTS REPORT

BAND: Quatsino Band
ADDRESS: PO Box 100, Coal Harbour, B.C., V0N 1K0
CHIEF: Stephen Clair
PHONE: 949-6245 **FAX:** 949-6249
AFFILIATION: Kwakiutl District Council

LOCATION:

The Quatsino Band occupy 346.2 hectares in reserve lands on the northwestern shores of Vancouver Island, southwest of the municipality of Port Hardy. The reserves include:

Ah-we-cha-ol-to 16	Cayilth 5	Cayuse 6
Clatux 9	Clienna 14	Grass Point 13
Klaskish 3	Kultah 4	Mah-te-nicht 8
Maquazneecht Island 17	O-ya-kum-la 11	Pa-cat'l-lin-ne 3
Pulcah 15	Quatleyo 12	Quatsino Subdivision 18
Quattishe 1	Teeta 7	Toh-quo-eugh 2

Of these reserves, water rights have been licensed on:

- Quatsino Subdivision 18 - a 8.1 hectare reserve located north of the village of Coal Harbour on Lot 1 of Section 14, Rupert District.

The most recent population figures compiled by the Ministry of Finance show the Quatsino Band having 212 persons living on reserve, and 99 persons living off reserve for a total of 313 registered persons.

The eighteen reserves of the Quatsino Band are classified as occurring in the Coastal Western Hemlock Biogeoclimatic Zone. The reserves lie at sea level and experience a climate with average daily temperatures ranging from a low of +5 degrees centigrade in January, to a high of less than 16 degrees centigrade in July. Average annual rainfall for the area totals in excess of 250 centimetres.

Water courses of significance include:

- Calbick Creek - located directly north of Coal Harbour. Calbick Creek flows through Lot 1 of Section 14, Rupert District.

WATER ALLOCATIONS:

There are no records of water allocations made by either the Indian Reserve Commission, the Lieutenant Governor in Council (by Order in Council), or by Order of the Board of Investigation. No actions to amend, cancel or record as abandoned licensed rights, pursuant to provisions in the *Water Act*, has occurred in respect to the Quatsino Band. The water rights of the Band have been recorded by one action of government over the years:

- 1) Granting of water licences in response to Federal Government applications requesting authorization for the use of water on reserves.

HISTORY, CURRENT STATUS AND NOTES:

The history of water rights, the current status of rights, and notes for the Quatsino Band with respect to Calbick Creek are as follows:

Calbick Creek:

History:

Sept 15, 1973

In accordance with applications made by the Minister of Indian and Northern Affairs on behalf of the Quatsino Band, the Comptroller of Water Rights issued Conditional Water Licences 41349 and 41350. Both licences have a precedence date of August 22, 1972.

1. Conditional Water Licence 41349 authorizes diversion of 10,000 gallons a day from Calbick Creek for waterworks purpose. The land to which this licence is appurtenant is defined as Lot 1 of Section 14, Rupert District, Plan 24310.
2. Conditional Water Licence 41350 authorizes the

storage of .333 acre-feet of water a year in support of the diversion of water authorized under Conditional Water Licence 41349. The storage reservoir is specified as Calbick Creek.

In connection with Conditional Water Licence 41349, Permit Over Crown Lands 9189 was granted to the Quatsino Band. The permit authorizes occupation of Crown Land for the construction and maintenance of works.

Permit Over Crown Lands 9190 was granted in conjunction with Conditional Water Licence 41350. This permit authorizes the occupation of Crown Land for the construction and maintenance of works.

Mar 6, 1975 In reference to Conditional Water Licence 41350, a letter from the Regional Engineer stated that due to "continual flooding of the reservoir", investigations were underway to develop a new water source to serve the village of Coal Harbour.

Aug 27, 1990 A note from the Water Resources Branch stated that Quatsino Reserve No. 18 currently obtains its water from Coal Harbour.

Current Status:

Conditional Water Licences 41349 and 41350 are the only two active licences on Calbick Creek. They are both for the use and benefit of the Quatsino Band.

Water Survey of Canada has no records of streamflow on Calbick Creek and there is no other current information on water availability.

Notes:

According to Indian Affairs, Quatsino Reserve No. 18 is currently receiving water from the village of Coal Harbour.

OTHER INFORMATION:

Groundwater Records:

A review of records maintained by the MELP Groundwater Section found no evidence of wells located on the Quatsino Reserves.

As provision of groundwater information to the Section is voluntary it should not be assumed to be complete.

Alternate Water Sources:

Reports on the water consumption in 1995 indicate that the Mount Waddington Regional District experienced a peak daily demand in excess of 28,579,808.4. This volume is within their licensed maximum daily allowance for waterworks purposes. The Mount Waddington Regional District serves Coal Harbour and Quatsino Reserve No. 18.

The proximity of Quatse Lake to the reserve also renders it as a potential source of water .

Summary of Water Records								
Quatsino Band								
Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superseded By	Licence PUC/MOD & OIC Allotments	Comments
Calbick Creek	1972/08/22	Quatsino Subdivision 18	0310708	CL 41349	Current		10,000 GAD /Waterworks	CL 41349: Priority 1 - Calbick Creek.
Calbick Creek	1972/08/22	Quatsino Subdivision 18	0310708	CL 41350	Current		.33 AF/Storage (Storage for CL 41349)	CL 41350: Priority 2 - Calbick Creek. Engineers Letter (March 1975): Stated that due to continual flooding a new water source to serve the village of Coal Harbour was being investigated.

LEGEND:

License Types (Document Types)

CL: Conditional License
FL: Final License
Z: Application

Mechanisms for Allocation (Document Type)

OIC: Order-in-Council (as issued by the Lieutenant Governor in Council)
MOD: Minute of Decision (as recorded under the Indian Reserve Commission)
IRC: Indian Reserve Commission
AGBC: Attorney Generals Office of BC (followed by File #)

Allotment Units

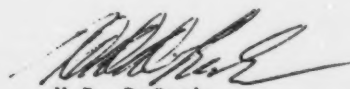
GAD: Gallons a day
AF: Acre feet
CFS: Cubic feet per second

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT
CONDITIONAL WATER LICENCE

The Honourable the Minister of Indian and Northern Affairs, of Ottawa, Ontario.

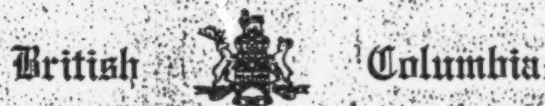
is/are hereby authorized to divert and use water as follows:—

- (a) The source(s) of the water-supply is/are Calbick Creek.
- (b) The point(s) of diversion is/are located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 22nd August, 1972.
- (d) The purpose for which the water is to be used is waterworks.
- (e) The maximum quantity of water which may be diverted is 10,000 gallons a day,
and such additional quantity as the Engineer may from time to time determine should be allowed for losses.
- (f) The period of the year during which the water may be used is the whole year.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is Lot 1 of Section 14, Rupert District, (Formerly Quatsino District), Plan 24310.
- (h) The works authorized to be constructed are diversion structure and pipe,
which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works shall be commenced on or before the 31st day of March, 1974, and shall be completed and the water beneficially used on or before the 31st day of December, 1976.


H.D. DeBeck,
Comptroller of Water Rights.

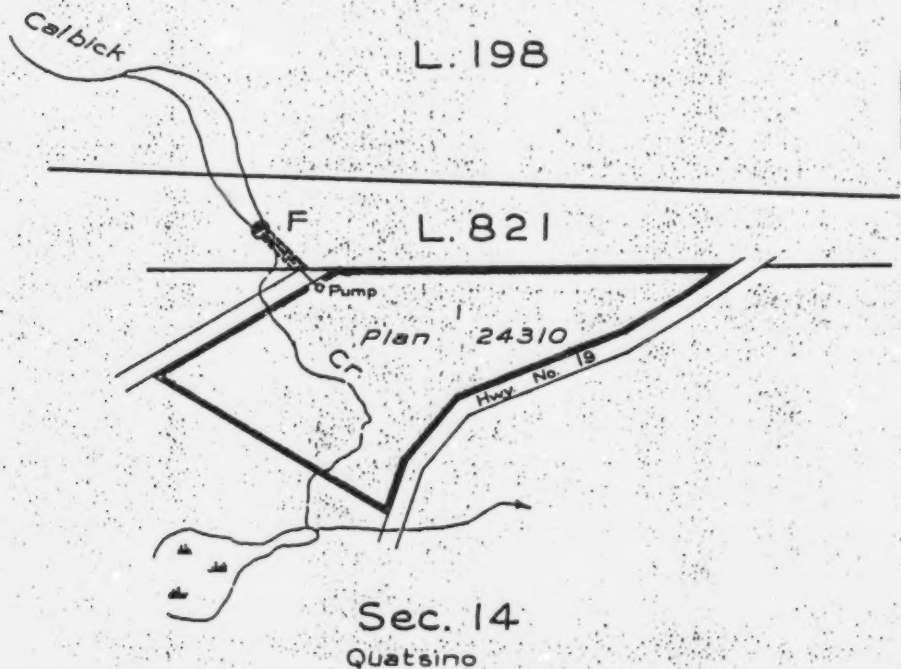
File No. 0310708 Date issued: September 15, 1973 Conditional Licence No. 41349

ENTERED ON
Map No. 22 L/RW 2-6
By 



ALBERNI WATER DISTRICT
RUPERT DISTRICT

Scale: 500 Feet to 1 Inch



LEGEND

Point of Diversion

Ref. Map

Pipe

Right of Way

92 L. 063
92 L. NW (B-6) 92 L. 12 E (a)

The boundaries of the land to which this licence
is appurtenant are shown thus: _____

Signature

Date 15th

Sept.

1975

CL 41349

File 0310708

R/W Permit 9189

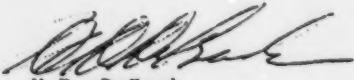
Quatsino Precinct
For Storage See C.L. 41350

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT
CONDITIONAL WATER LICENCE

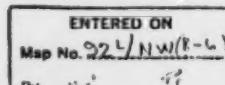
The Honourable the Minister of Indian and Northern Affairs,
of Ottawa, Ontario.

is/are hereby authorized to store water as follows:—

- (a) The source(s) of the water-supply is/are Calbick Creek and the reservoir is the creek.
- (b) The point(s) of storage is/are located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 22nd August, 1972.
- (d) The purpose for which the water is to be used is as set out in Conditional Water Licence No. 41349.
- (e) The maximum quantity of water which may be stored is 0.333 acre feet per annum,
and such additional quantity
as the Engineer may from time to time determine should be allowed for losses.
- (f) The period of the year during which the water may be stored is the whole year.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is as set out in Conditional Water Licence No. 41349.
- (h) The works authorized to be constructed are dam,
which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works shall be commenced on or before the 31st day of March, 1974, and shall be completed and the water beneficially used on or before the 31st day of December, 1976.
- (j) Construction of the dam authorized under Clause (h) hereof shall not be commenced until plans of same have been submitted to and have been approved by the Comptroller of Water Rights.


H.D. DeBeck,
Comptroller of Water Rights.

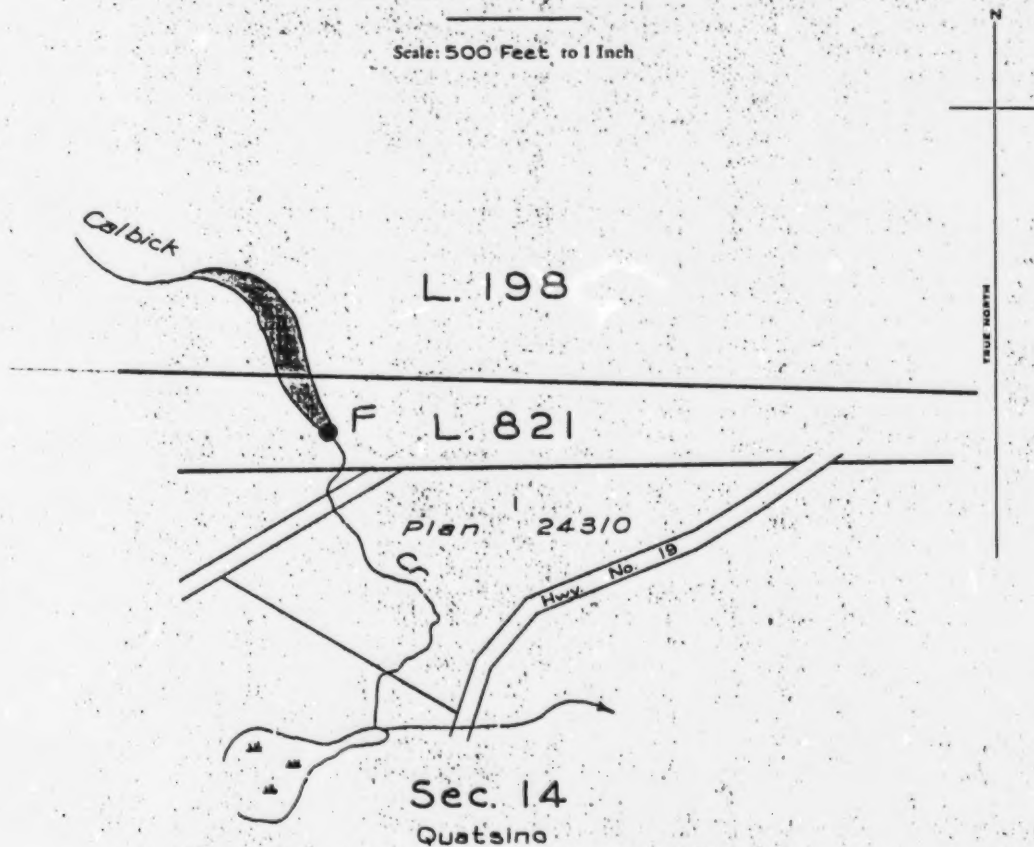
File No. 0310708 Date issued: September 15, 1973 Conditional Licence No. 41350





ALBERNI WATER DISTRICT
RUPERT DISTRICT

Scale: 500 Feet to 1 Inch



LEGEND

Dam
Ref. Map
Right of Way

92 L. 063
92 L. NW(8-6) 92 L. SE(1-2)

Signature

Date 15th Sept 1973

CL 41350
File 0310708

Quatsino Precinct

R/W Permit 9190

For Diversion See C.L. 41349



PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The Honourable the Minister of Indian
and Northern Affairs. of Ottawa, Ontario.

the holder(s) of Conditional/~~Final~~ Water Licence(s) 41350
the ~~location~~ ^{storage} of water ~~box~~ in Calbick Creek,

authorizing
is/are hereby

authorized to occupy Crown land by constructing, maintaining, and operating thereon the works authorized under the said water licence and any licences which may be issued in substitution thereof.

- (a) The Crown land which is authorized to be occupied under this permit is a portion of
Lots 821 and 198, Rupert District,

the location of which is shown approximately on the plan attached to the said water licence.

- (b) The approximate dimensions of the Crown land authorized to be occupied under this permit are
(1) a damsite of 1 acre
(2) flooded area 0.3 acre

total area 1.3 acres

- (c) Subject to the payment of royalty, stumpage, and other compensation, and the obtaining of a licence to cut timber as provided under Condition 5, the permittee may cut and remove from the said land any timber, the removal of which is necessary to permit construction and maintenance of the said works, and clearing of the said land which may be flooded.
- (d) The annual rental for this permit is \$10.25 , which is subject to review and revision at any time at the discretion of the Crown.
- (e) This permit is appurtenant to the land, mine, or undertaking to which the aforesaid water licence is appurtenant.
- (f) The conditions relative to the rights granted under this permit are printed on the back of this form.

File No. 0310708

Ref. Map 92F/NW(B-6)

W.R. Map - - -

W.R.B. 12a-0

Deputy Minister of Lands

Date issued: 15 September 1973 Permit No. 9190

11

**CONDITIONS RELATIVE TO THE RIGHTS GRANTED
UNDER THIS PERMIT**

1. This permit is issued under the *Water Act*, and the rights hereby granted are subject at all times to the provisions of that Act and all Acts passed in amendment or substitution thereof and to all regulations from time to time made under any such Act.
2. There is reserved to the Crown the right to grant to other persons permits to occupy the land affected by this permit without compensation to the permittee or his successors in title.
3. In the event of any dispute arising at any time between the permittee and any owner of land adjacent to the land affected by this permit with respect to the area or boundaries of the land so affected, the licensee shall at his own expense, when so directed by the Deputy Minister of Lands, have the said land surveyed by a duly qualified surveyor, and shall likewise file with the Department of Lands, Forests, and Water Resources at Victoria, British Columbia, a plan showing the result of the survey.
4. This permit and the rights granted hereunder are subject always to compliance by the permittee with the terms of his water licence, and if the rights granted under the said licence should at any time be suspended or terminated, the rights granted under this permit are thereupon likewise suspended or terminated.
5. The amount of stumpage, royalty, and (or) compensation payable to the Crown by the permittee in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Forest Service of the Province of British Columbia. Prior to the cutting, destruction, or flooding of any timber, the permittee must apply for and obtain a licence to cut timber from the District Forester under the provisions of section 24 of the *Forest Act*.



PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The Honourable the Minister of Indian and
Northern Affairs, of Ottawa, Ontario.

the holder(s) of Conditional/~~Water~~ Water Licence(s) 41349
the diversion of water from Calbick Creek,

authorizing

is/are hereby

authorized to occupy Crown land by constructing, maintaining, and operating thereon the works authorized under the said water licence and any licences which may be issued in substitution thereof.

- (a) The Crown land which is authorized to be occupied under this permit is a portion of
Lot 821, Rupert District,

the location of which is shown approximately on the plan attached to the said water licence.

- (b) The approximate dimensions of the Crown land authorized to be occupied under this permit are
200 feet in length and 15 feet in width, having an area of
0.07 acre,

- (c) Subject to the payment of royalty, stumpage, and other compensation, and the obtaining of a licence to cut timber as provided under Condition 5, the permittee may cut and remove from the said land any timber, the removal of which is necessary to permit construction and maintenance of the said works.

- (d) The annual rental for this permit is \$ 2.00 , which is subject to review and revision at any time at the discretion of the Crown.

- (e) This permit is appurtenant to the land, mine, or undertaking to which the aforesaid water licence is appurtenant.

- (f) The conditions relative to the rights granted under this permit are printed on the back of this form.

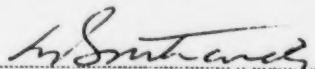
File No. 0310708

Ref. Map 921/NW(D-6)

W.R. Map - - -

W.R.B. 12a-0

Date issued: 15th September 1973 Permit No. 9189


Deputy Minister of Lands

CONDITIONS RELATIVE TO THE RIGHTS GRANTED
UNDER THIS PERMIT

1. This permit is issued under the *Water Act*, and the rights hereby granted are subject at all times to the provisions of that Act and all Acts passed in amendment or substitution thereof and to all regulations from time to time made under any such Act.
2. There is reserved to the Crown the right to grant to other persons permits to occupy the land affected by this permit without compensation to the permittee or his successors in title.
3. In the event of any dispute arising at any time between the permittee and any owner of land adjacent to the land affected by this permit with respect to the area or boundaries of the land so affected, the licensee shall at his own expense, when so directed by the Deputy Minister of Lands, have the said land surveyed by a duly qualified surveyor, and shall likewise file with the Department of Lands, Forests, and Water Resources at Victoria, British Columbia, a plan showing the result of the survey.
4. This permit and the rights granted hereunder are subject always to compliance by the permittee with the terms of his water licence, and if the rights granted under the said licence should at any time be suspended or terminated, the rights granted under this permit are thereupon likewise suspended or terminated.
5. The amount of stumpage, royalty, and (or) compensation payable to the Crown by the permittee in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Forest Service of the Province of British Columbia. Prior to the cutting, destruction, or felling of any timber, the permittee must apply for and obtain a licence to cut timber from the District Forester under the provisions of section 24 of the *Forest Act*.

Stream Register Report Water License Information System

Report Requested By : CHOCMA
Data Report Requested : 1996/06/27 12:21
Report Sorted By : Source Descended - Priority Data - License Number
Selection Criteria
START POINT : PC093939 - 95 L. 663 P
END POINT : 6015423 - Calhoun Creek Right of Stephens Creek

Stream Registrar Report

Water License Information System

DATE: 10/06/07
TIME: 13:21
PAGE: 001

Priority License File Appointment
TWT/ML/CD Number Number

Licensee

POC

Quantity/Units Term Term License Comments
Start End

Process Status

Source

NR Map

POC REQ POC Comments

Proc

1073/09/23 C643349 0310708 L 1 OF 16 RUPERT DIST PLAN
24310

QUANTINO INDIAN BAND
978-433-7080
PO BOX 100
COAL MOUNTAIN NC
280180

WELT

30,000.00 01 Jan 01 Dec 31 RUPERT AT C 41359 CALIBICK CR

CALIBICK Creek

W032.L.063

P N

01B ALB - QUANTINO

1073/09/23 C643350 0310708 RUPERT DIST PLAN C 41349 CALIBICK CR

QUANTINO INDIAN BAND
978-433-7080
PO BOX 100
COAL MOUNTAIN NC
280180

STOMP

0.23 01 Jan 01 Dec 31 RUPERT IN CR

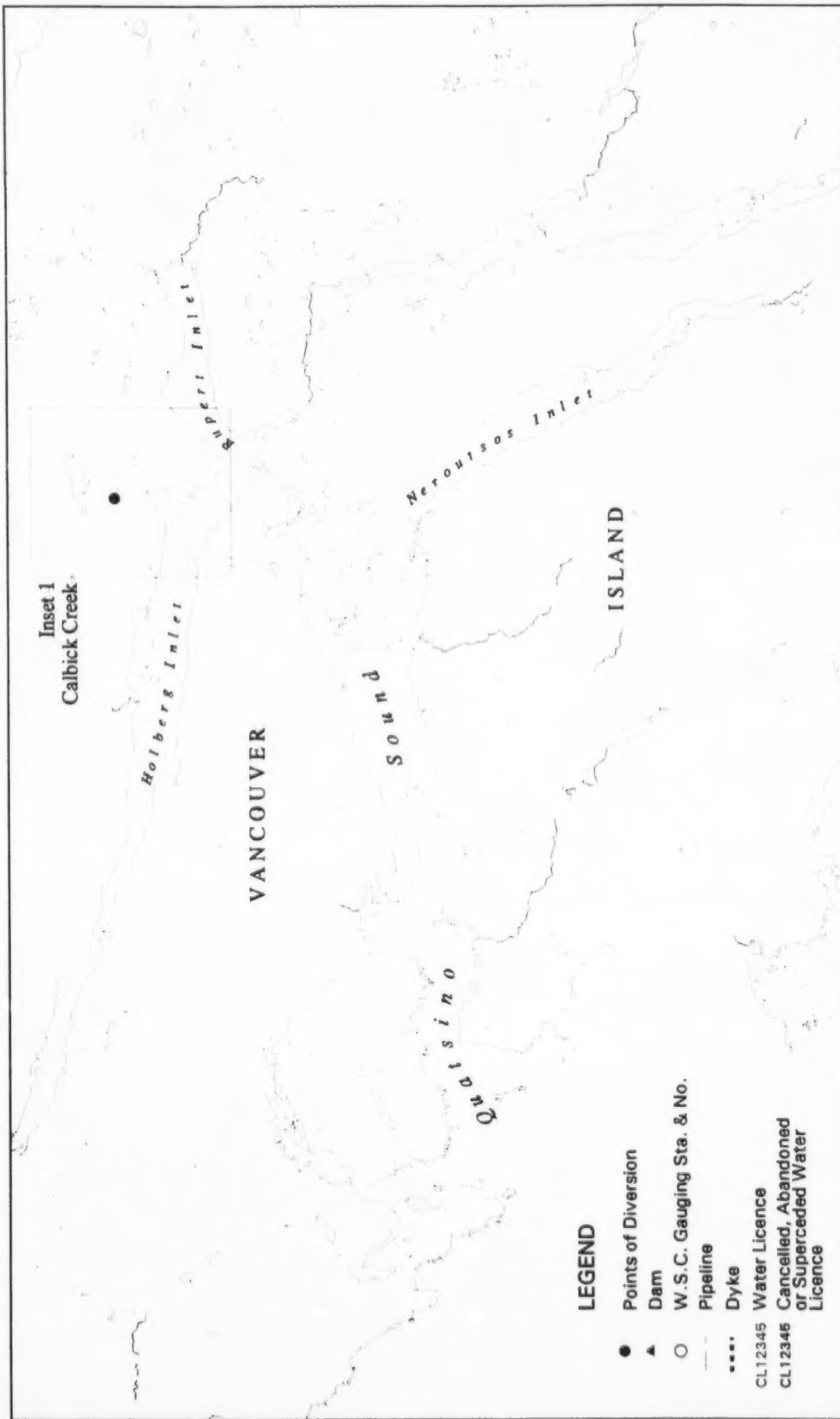
CALIBICK Creek

W032.L.063

P N

01B ALB - QUANTINO

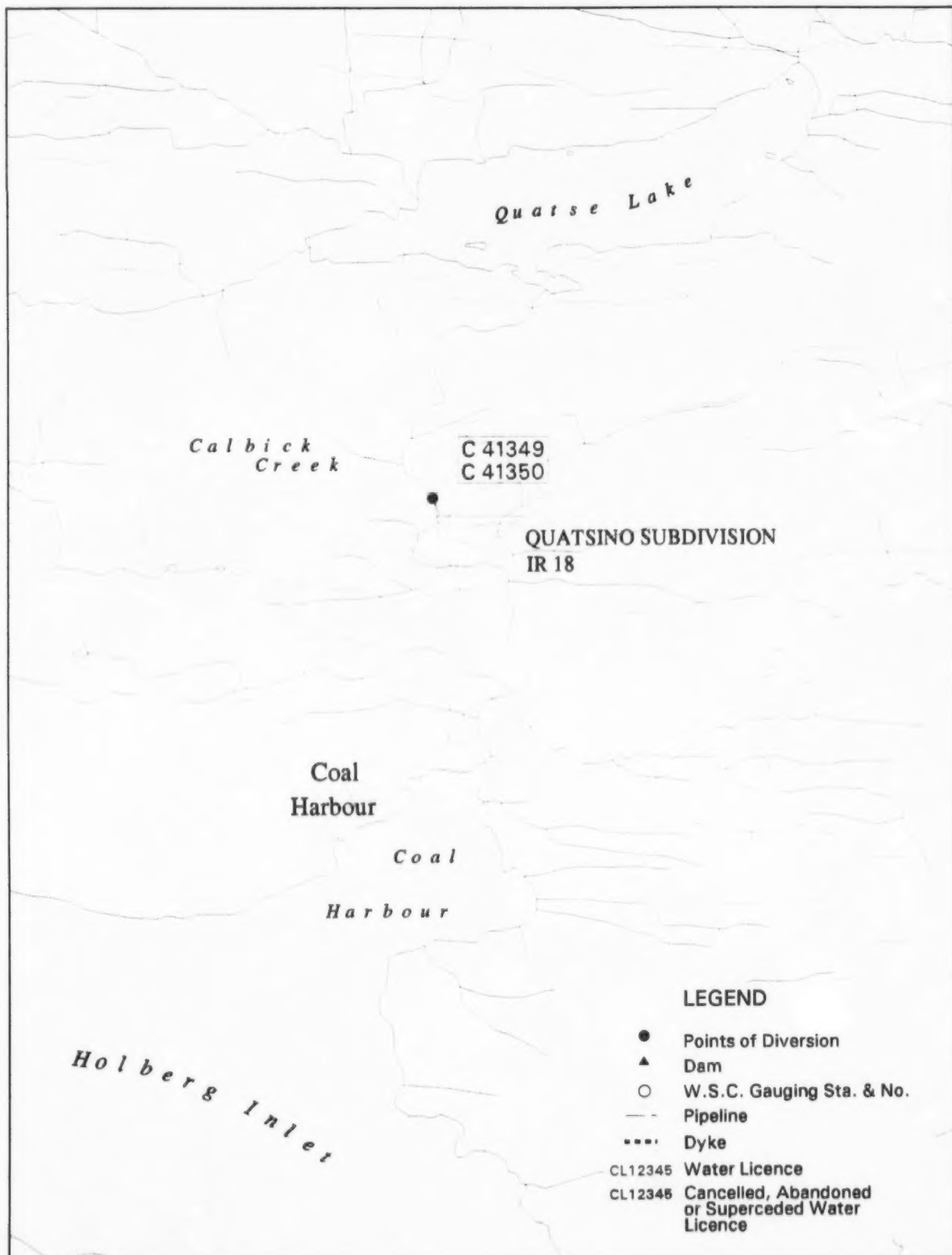
----- Total of 2 Licenses Reported -----



Quatsino

Scale 1:250,000

Date: April 26, 2000



Calbick Creek

Scale 1:30,000